

Notice of Allowability

Application No.

10/676,752

Applicant(s)

KUBIK ET AL.

Examiner

Art Unit

Cephia D. Toomer

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed February 22, 2007.
2. ☒ The allowed claim(s) is/are 1-6, 16-22, 25-31 and 38-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 05/07/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05/01/07
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Cephia D. Toomer
Primary Examiner
Art Unit: 1714

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Hudak on May 1, 2007.

The application has been amended as follows:

In claim 1, line 7, delete " or non-biodegradable".

In claim 1, line 8, following "dispersed therein" insert --from 10 to about 40 parts of --.

In claim 1, line 9, following "sodium nitrate, and" insert -- from 10 to 40 parts of --.

Claim 2. The concentrate of claim 1, wherein said alkali metal silicate is sodium silicate, and wherein said concentrate biodegradable polymer comprises star ϵ -caprolactone, ϵ -caprolactone (ϵ -PCL); poly(hydroxybutyrate-co-valerate) (PHBV); uncoated- or nitrocellulose-coated cellophane film; crosslinked chitosan; starch/ethylene vinyl alcohol (St/VOH) blend film; pure ethylene vinyl alcohol film; or polycaprolactone (PCL).

In claim 3, line 3, delete (PCL) and insert -- (ϵ -PCL)--.

In claim 4, line 3, delete "1,1,3-tris(2'-methyl-4'-hydroxy-5'-t-butylphenyl)butane;".

In claim 20, delete lines 7 and 8 beginning at "wherein" .

Art Unit: 1714

In claim 22, delete lines 9 and 10 beginning at "wherein".

In claim 25, line 4, delete "1,1,3-tris(2'-methyl-4'-hydroxy-5'-t-butylphenyl)butane;".

In claim 27, line 3, delete (PCL) and insert – (ϵ -PCL).

In claim 28, line 2, delete (PCL) and insert – (ϵ -PCL) and following "polycaprolactone" insert –(PCL) --.

In claim 40, line 7, delete "biodegradable or ".

In claim 40, line 8, following "therein" insert – from 10 to about 40 parts of --.

In claim 40, line 9, following "sodium nitrate, and" insert --from 10 to 40 parts of--.

Claim 41. A concentrate of claim 40, wherein said alkali metal silicate is sodium silicate, and wherein said concentrate non-biodegradable polymer comprises low density polyethylene, polypropylene, copolymer of lower C₂-C₈ olefin, copolymer of lower C₂-C₈ olefin and ethylene/vinyl alcohol, ethylene/vinyl acetate, non-biodegradable polyester, polycarbonate, polyurethane, polybutene, poly(vinyl chloride), polystyrene, or polyamide.

In claim 42, line 5 delete "and polystyrene," and insert –polystyrene, or --.

In claim 43, line 1, delete "The" and insert – A composition comprising the --.

In claim 44, line 1, delete "The" and insert –A composition comprising the --.


In claim 45, line 1, delete "concentrate" and insert –composition--.

In claim 46, line 1, delete "concentrate" and insert –composition--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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Art Unit 1714